

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION – KALAMAZOO

FLATHEAD-MICHIGAN I, L.L.C.  
Plaintiff

v.

Case No. 1:09-cv-1006  
Hon. Paul L. Maloney

SUTTONS'S POINTE DEVELOPMENT, L.L.C.,  
JEFFREY R. ROTH, MARCUS W. YONO, WENDY ROTH,  
VANDRIE FURNITURE COMPANY OF CADILLAC d/b/a  
VANDRIE HOME FURNISHINGS, ANN ARBOR NEWS,  
WASTE MANAGEMENT OF MICHIGAN, INC., NATIONAL  
CITY BANK, ELMER'S CRANE AND DOZER, INC.,  
INDEPENDENT BANK, MOLON EXCAVATING, INC.,  
AND LEELANAU COUNTY TREASURER,  
Defendants.

PLUNKETT COONEY  
DOUGLAS C. BERNSTEIN (P33833)  
SUSAN G. KOWAL (P58075)  
Attorneys for Plaintiff  
38505 Woodward Avenue, Suite 2000  
Bloomfield Hills, MI 48304  
(248) 901-4000  
[skowal@plunkettcooney.com](mailto:skowal@plunkettcooney.com)

JAY S. KALISH & ASSOCIATES, P.C.  
JAY S. KALISH (P26301)  
Attorney for Defendants Roth  
28592 Orchard Lake Road, Suite 360  
Farmington Hills, MI 48334  
(248) 932-3000  
[JSKalish@aol.com](mailto:JSKalish@aol.com)

NORM DROSTE – ATTORNEY PLC  
NORMAN K. DROSTE (P35665)  
Attorney for Defendant Molon Excavating, Inc.  
616 E. Eighth Street, Unit # 3  
Traverse City, MI 49686  
(231) 922-5055  
[Ndrostelaw@aol.com](mailto:Ndrostelaw@aol.com)

MOOTHART MCKAY, PLC  
JONATHAN R. MOOTHART (P40678)  
Attorney for Defendant National City Bank  
125 Park St., Suite 440  
Traverse City, MI 49684  
(231) 947-8048  
[jon@moothartlaw.com](mailto:jon@moothartlaw.com)

COHL STOKER TOSKEY & McGLINCHEY  
TIMOTHY M. PERRONE (P37940)  
Attorneys for Defendant Leelanau City Treasurer  
601 N. Capitol Avenue  
Lansing, MI 48933  
(517) 372-9000  
[tperrone@cstmlaw.com](mailto:tperrone@cstmlaw.com)

MEISNER & ASSOCIATES, P.C.  
ROBERT M. MEISNER (P17600)  
Attorneys for Intervenor  
30200 Telegraph Rd., Ste. 467  
Bingham Farms, MI 48025  
(248) 644-4433  
[dfeinberg@meisner-associates.com](mailto:dfeinberg@meisner-associates.com)

**ORDER GRANTING EMERGENCY MOTION OF JAMES AND JO ELLEN WALKER,  
GARY AND KAY COHEN, AND LARRY AND LINDA DEAN, TO INTERVENE**

Petitioners, James and Jo Ellen Walker, Gary and Kay Cohen, and Larry and Linda Dean, having filed an Emergency Motion to Intervene, Plaintiff having objected thereto, and oral argument having been heard;

IT IS ORDERED that, for the reasons stated on the record, the motion is GRANTED, and James and Jo Ellen Walker, Gary and Kay Cohen, and Larry and Linda Dean are hereby added as parties as Intervening Defendants.

Date: February 18, 2010

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge